

M I N U T E S
SANDY CITY COUNCIL MEETING
Sandy City Hall - Council Chamber Room #211
10000 Centennial Parkway
Sandy, Utah 84070

NOVEMBER 15, 2005

Meeting was commenced at 7:03 p.m.

PRESENT:

Council Members: Chairman John Winder (arrived 7:20), Vice Chairman and Acting Chairman Steve Fairbanks, Scott Cowdell, Chris McCandless, and Dennis Tenney

Mayor: Tom Dolan

Others in Attendance: City Attorney Walter Miller; Community Development Director Mike Coulam; Public Works Director Rick Smith; Deputy to the Mayor John Hiskey; Assistant CAO Jamie Davidson; Assistant Director Community Development Nick Duerksen; Planning Commissioner Max Burdick; Councilman Elect Steve Smith; Council Office Director Phil Glenn; Council Office Manager Naleen Wright

ABSENT/EXCUSED:

Councilwoman Linda Martinez-Saville (excused/attended Plng. Mtg.); Bryant Anderson (Vacation); CAO Byron Jorgenson

1. **OPENING REMARKS/PRAYER/PLEDGE:**

The Prayer was offered by Boy Scout Taylor Covey of Troop #1189, and the Pledge was led by Carson Natter, also of Troop #1189.

2. **CITIZEN(S) COMMENTS:**

a. None

3. **November 8, 2005 General Election Canvass (Deputy Recorder Molly Spira)**

DISCUSSION: Deputy City Recorder Molly Spira presented the Election Canvass results reflecting the final count of votes cast in the November 8, 2005, General Election and referendum election. 198 provisional ballots were cast, of which 66 were invalid because they were: a) not a registered voter; b) the person lived in Salt Lake County; c) the person was not a Sandy City resident. Sixteen mailed in ballots were received, of which 5 were invalid because they were not postmarked by the required date. Regarding the referendum (gravel pit rezoning), 10,830 votes were cast in favor of the rezone, with 9,903 opposed. **Steve Smith** won the at-large Council position with 10,401 votes to **Max Burdick's** 8,684. **Bryant Anderson** retained his seat in District 3 with a vote of 3,205 to **Bridgett Dawson's** 2,620. District 1 Councilman **Scott Cowdell** ran unopposed and received a vote of 3,622. **Chris McCandless** was elected for the remaining two years of the District 4 Council term. He ran unopposed and received 3,927 votes. Finally, **Mayor Tom Dolan** was re-elected for an unprecedented fourth term with a vote of 10,887 votes to **Gary Forbush's** 9,627 votes.

MOTION: Dennis Tenney made the motion to accept the November 8, 2005 General Election Canvass as presented by the Deputy City Recorder.

SECOND: Chris McCandless

VOTE: Tenney- Yes, McCandless- Yes, Cowdell- Yes, Winder- Absent, Saville- Absent, Anderson- Absent, Fairbanks- Yes

MOTION PASSED
4 in favor, 3 absent

COUNCIL ITEMS:

4. **Funds Transfer: General Fund \$10,000**
Resolution #05-94 C - transferring funds within the General Fund.

MOTION: Dennis Tenney made the motion to adopt Resolution #05-94 C - transferring funds (\$10,000) within the General Fund.

SECOND: Scott Cowdell

VOTE: Tenney- Yes, Cowdell- Yes, McCandless- Yes, Winder- Absent, Saville- Absent, Anderson- Absent, Fairbanks- Yes

MOTION PASSED
4 in favor, 3 absent

5. Meeting Cancellation

Resolution #05- 95 C - canceling the November 22, 2005 City Council Meeting.

DISCUSSION: Dennis Tenney asked why the City Council Meeting scheduled for November 22, 2005, was proposed to be canceled.

Phil Glenn explained that as there were no items scheduled on the Council's Agenda Calendar for next Tuesday, and because the Thanksgiving holiday falls on Thursday of the same week, most felt it was appropriate to consider canceling this meeting.

MOTION: Scott Cowdell made the motion to adopt Resolution #05- 95 C - canceling the November 22, 2005 City Council Meeting.

SECOND: Chris McCandless

VOTE: Tenney- Yes, Cowdell- Yes, McCandless- Yes, Winder- Absent, Saville- Absent, Anderson- Absent, Fairbanks- Yes

MOTION PASSED
4 in favor, 3 absent

6. Discussion Regarding Military Utility Rate Program

DISCUSSION: Phil Glenn reminded the Council of a resolution that they had previously adopted to facilitate a new water rate for activated National Guard people and Reserve Military personnel. These individuals oft times sacrifice personal income to serve the citizens of the United States and Sandy City, which can create a financial hardship on their families. In an effort to mitigate this hardship and to show its support for activated military personnel, a special utility rate was adopted. The conditions under which this program is administered were outlined in Resolution #05-30 C.

The initial water base rate is waived for these individuals along with one-half of the overage rate, when they have been activated to full-time military duty outside of the City for a period in excess of 30 consecutive days. This utility rate will be applicable to the individual's principal residence only.

In the last two weeks, two unique cases have been brought to Utility Billing's attention that were unforeseen and therefore, not addressed by the original plan. 1) The first case involves a soldier who is a single head of family parent with a dependent child. A friend is taking care of the child while the soldier is deployed. His home is being rented, whenever possible, while he is deployed, in order to meet his monthly mortgage obligation. 2) The second case is similar in that there is a dependent child, and the homeowner is considering renting the home to meet the monthly mortgage expense. Utility Billing feels the person is getting extra income from the rental of the home, and therefore there is concern whether the applicant should or should not qualify for the reduced rate.

Mr. Glenn noted that there is significant expense to water a yard during the Summer months. This expense remains after the individual has been deployed, along with the expense of the mortgage. There is no assurance that the dwelling may always be rented either.

Dennis Tenney said, "If they are serving our country, the reduced rate should apply.

Phil Glenn clarified that the reduced rate would apply only upon the individual's principle residence.

Scott Cowdell stated that most rental homes include the water with the rent. He agreed that as long as the individual is activated by the military and he/she is still responsible for the mortgage, the water rate should be reduced.

Chris McCandless stated that if the home is being rented out because of the individual's deployment over seas, and

the rental was expressly done to utilize the rent money to make the mortgage payment, and the tenant is not paying for the water service, the military person should received the reduced mortgage rate.

Phil Glenn noted that while these homes may be rented out, there is no assurance of monthly rental income. They may not be rented out the entire time.

City Attorney Walter Miller emphasized that the City does not want to discourage occupancy of these homes. If the home is occupied the lawns will be watered and maintained.

Steve Fairbanks stated, "If a Sandy resident is placed on active duty, he/she should get the reduced rate."

The Council re-clarified the existing Military Utility Rate Program. It was their opinion that if an individual was activated by the Nation Guard or Reserves, that he or she would be eligible to receive the reduced water rates, even if the primary residence was being rented out during his/her deployment. *This is only applicable for one primary residence.

7. Update: Housing Authority Needs Study (*Documents under separate cover)

DISCUSSION: **Phil Glenn** indicated that there appeared to be some confusion with regard to a previous discussion involving the possible establishment of a Housing Authority in Sandy. He indicated that this discussion could become quite complex. The Council would have to determine what kind of services the City would want to offer through an agency of this type. Mr. Glenn suggested that one approach to resolve some of these questions would be to bring in an expert to discuss a full-fledged range of housing authority issues with the Council. He suggested he could invite an experienced individual to explain the different approaches that can be taken.

Scott Cowdell stated that as this is such an important issue, he would like to postpone further discussion until all of the Council are able to participate.

Dennis Tenney stated that he agreed with Councilman Cowdell. He also supported Mr. Glenn's suggestion to bring in an expert.

Chris McCandless stated that he would be supportive of measures to end chronic homelessness. He suggested inviting another expert, Carey Steadman, to discuss a long-term plan.

Nick Duerksen explained that such issues are a part of the City's Consolidated Plan, which we are required to update every 5 years so we may qualify for federal grants. He suggested that James Wood would be a good expert to discuss comprehensive housing needs.

Mr. Glenn indicated that he would work with the Council Chairman to reschedule this discussion using some of the suggestions presented this evening.

MINUTES:

8. Approving the November 1, 2005, City Council Meeting Minutes.

MOTION: **Dennis Tenney made the motion to adopt the November 1, 2005, City Council Meeting Minutes as amended.**

SECOND: **Steve Fairbanks**

VOTE: **The Council voted verbally and unanimously in the affirmative.**

9. MAYOR'S REPORT:

a. Mayor Dolan reported that plans for a full-service Hilton Hotel (southeast of City Hall), are moving ahead. Woodbury has purchased the land.

b. The Mayor indicated that he had spoken with Jordan School District's Superintendent Newbold with regard to the school district's participation in Utah High School sport opportunities.

- c. The Utah League of Cities and Town's is stating its support for removing sales tax on food, as long as the lost tax revenues are replaced in another way to make cities whole. It appears that this issue has become a political battle between the Senate and the House. The Senate's proposal is to not take sales tax off of food, but to give a tax credit to low-income families.

Scott Cowdell commented that as proposed, this would not be a true tax cut. If tax revenue is lost on food, it will have to be collected elsewhere.

Mayor Dolan added that some cities use sales tax revenue for 50 - 60% of their operational funds, and they are dependent on this income.

10. **CAO'S REPORT:**

- a. **Assistant CAO James Davidson** sadly informed the Council that a Public Utilities employee, Garret Clayborn, has passed away. Garret will be missed by his fellow employees.

- b. **Mike Coulam** provided an update on the gravel pit site plan now that the favorable results of the referendum decision will allow them to proceed. The Planning Commission has approved certain subdivision plans, subject to final approval by Staff. Walmart's plan does not have to go back to the Planning Commission. This project is proceeding through site plan review. Preliminary plans for the Village and Lowes may require conditional use approvals. Staff is now reviewing these plans. A Conditional Use Permit will be required for the public park, and site plan review will be done by the Planning Commission. The Parks Department is holding off on design until those approvals have been obtained. The flood water detention basin park will be constructed as part of the overall development, not after other components are completed.

Scott Cowdell asked, "What are we doing with the trails and upper park?"

Mr. Coulam explained that as each parcel develops, they will develop their portion of the trail. The other park, located on the hill, is still being looked at by a park planner.

Scott Cowdell stated that he would like to see the whole project completed as close together as one project as possible.

Mike Coulam responded, "Completion will be subject to funding."

Chris McCandless noted that the lower parcel has been rough graded by the developer.

Scott Cowdell asked if any arrangements had been made to move the power plant.

Mike Coulam stated that no definite decision has been made, as yet, to move the power plant.

Mayor Dolan commented that UPL has indicated that if the City will wait 2-3 years, they will work with us on the siting of the power plant.

John Winder stated that he would like to take this opportunity to correct some misinformation concerning claims that the full 8 acre park will be a flood retention pond. Mr. Winder indicated that this is false information. Only 1 acre will be required as a retention pond to manage 8 acre feet of water.

Mike Coulam noted that almost every park in Sandy serves as a flood retention pond.

James Davidson added, "We need a flood retention basin in that area. This basin is not driven entirely by the project itself. Only a small part of the flood retention basin will need to be used for the gravel pit development.

John Winder asked if LUDMA (Land Use Development Management Act) requirements, as discussed earlier this evening, would be imposed on this development.

Mike Coulam responded, "No." He said Staff are in the process of reviewing the Development Code. Deputy City Attorney Kathy Jeffery is working with Planning Staff to include LUDMA provisions in what will be the revised Development Code. A committee that will include City Council members, Planning Commission members, and Staff, will be put together to review the changes to the Development Code.

11. COUNCIL OFFICE DIRECTOR'S REPORT:

- a. **Phil Glenn** passed out the Council's weekly calendar. He noted that Dennis Tenney would be attending the December 6, 2005 National League of Cities and Towns Meeting in Charlotte, North Carolina. Mr. Glenn advised the Council that he had received an E-mail from the Wasatch Front Regional Council requesting that a 20-30 minute discussion on growth principles and the intensity of land uses around TODs (Transit Oriented Developments), be scheduled with the City Council and the Planning Commission before mid December.
- b. State statute designates the first Monday in January as the official day for the Oath of Office ceremony. However, this year, the first Monday of January is designated as a City holiday. **Mr. Glenn** recommended that the newly elected or re-elected Councilmen and Mayor consider having the Oath of Office ceremony on Tuesday, January 3, 2006. While we have traditionally held this ceremony at noon, Mr. Glenn thought it might be more convenient to have the ceremony between 4:30 - 6:30 p.m. This would eliminate the need for the Council to come to City Hall twice in the same day (once for the oath ceremony and once for Council Meeting). The Council and Mayor concurred. Mr. Glenn also advised that those affected by the ceremony need to advise the Council office of how many people they will be inviting, so those numbers can be given to the caterer.
- c. **Mr. Glenn** asked the Council if they would like to have another goal setting workshop like they have had in the past. He suggested that a retreat could be scheduled in January or February. The Council supported this suggestion.

12. OTHER COUNCIL BUSINESS:

- a. **John Winder** asked if businesses abutting City Hall had ever been asked if their parking structures could be utilized for parking for the 4th of July celebration.

James Davidson stated that he would be happy to bring this suggestion to the Parade Committee.

- b. **Scott Cowdell** stated that he continues to feel that Sandy City needs a Drug Court. Twenty-six cities in the state already have them. He noted that Sandy is the 4th biggest city and it should be involved in the fight against drugs. Councilman Cowdell noted that the recidivism rate for repeat drug offenders involved in the Drug Court program is substantially lower. Whereas, those sent through the regular court system usually end up back in jail or prison. Family Court can handle some of these issues too. Mr. Cowdell felt we now have the opportunity, with our new courts building, to employ a Drug Court system that has shown such a high success rate.

Attorney Walter Miller stated that we have been trying to get funding for a Family Court or a Teen Court. If this is something the Council wants to pursue, it would have to be budgeted.

Scott Cowdell stated he wanted to see more information on this subject, even if a Drug Court was only operated part-time. He commented that he would like to see some sort of program for abused children too.

Chris McCandless added that he also supported looking into the benefits of a Drug Court and the drug education provided as part of the court process.

James Davidson responded that Korbin Lee has been obtaining information from other cities who have already become involved in this program. The Administration is putting together a package of information that will be presented to the Council, along with a recommended level of funding.

- c. **Scott Cowdell** asked for an update on the Sandy Suburban District. He reported that his son is their attorney.

John Hiskey reported he assumed Mr. Cowdell's question pertained to a request to amend Section 208 Water Quality Plan - Master Plan for Salt Lake County, which was recently discussed by the Conference of Mayors. South Valley Sewer District wants to provide for an additional regional waste water reclamation plant adjacent to the Jordan River on a site in Riverton. Sandy Suburban District wants Sandy City to send a letter in support of this amendment to the Members of the Salt Lake County Council. Additional growth makes this expansion necessary.

- d. **Scott Cowdell** commented that the Council allocated money to finish 3 new parks, one near the middle school and two near the golf course. He was concerned that they are not yet being developed.

James Davidson explained that the City has a plan for an urban fishery by the golf course. It will involve a 3 acre parcel, of which 2 acres will be used for the pond. The bid for Creekside Park came in too high, and the wetlands is out to bid. The small strip of property (one lot) neighborhood park bid came in double what was expected. We will re-bid during a different season. There are still questions regarding the availability of land controlled by UPL near the middle school.

- e. **Chris McCandless** stated he supports a new Boys & Girls Club facility. He also introduced a young man, Ethan Neederhouser, the son of Wayne Neederhouser his partner. Ethan is an accomplished hiker and a Boy Scout. Mr. McCandless asked for information regarding what campaign contributions can and cannot be spent on.

At approximately 9:10 p.m., Dennis Tenney made a motion to adjourn Council Meeting, motion seconded by Steve Fairbanks.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

John B. Winder
Council Chairman
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Naleen Wright
Council Office Manager